

Applicants file this Response and respectfully requests that restriction requirement be withdrawn in light of the following remarks. Alternatively, Applicants elect to prosecute claims 19-31.

## **REMARKS**

### **A. The Restriction Requirement**

In the Restriction Requirement, the Examiner alleges that the claims 1-18 are directed to two groups of inventions that are not linked to form a single general inventive concept under PCT Rule 13.1. The Examiner identifies the two groups as:

Group I (claims 1-13) as being drawn to a reflective material;

Group II (claims 14-18) as being drawn to a method of modifying an appearance of a retroreflective material.

The Examiner alleges that the "inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rules 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Evidence of lack of unity between the groups is found in EP 0225103 A, wherein it is found to disclose the features of the instant claim 14. As such, the special features of the claimed invention are not found to define a contribution over the prior art."

### **B. Clarification of Restriction Requirement/Telephone Conference With Examiner**

Applicants appreciate the courtesy extended by the Examiner during a telephone conference on October 6, 2006 during which the restriction requirement was discussed. During the telephone conference, Applicants pointed out that claims 1-18 (which are subject to the restriction requirement) were deleted and new claims 19-36 added as a result of the Preliminary Amendment filed with the application on July 16, 2004. The Examiner acknowledged that

claims 1-18 were mistakenly included as part of the restriction requirement, but pointed out that: (1) new claim 19 is an independent claim directed to a "retroreflective material;" and (2) new claims 20-31 depend from independent claim 19 and, thus, claims 19-31 are all directed to a "reflective material" which is the same as Group I in the restriction requirement. The Examiner also pointed out that: (1) new claim 32 is an independent claim directed to a "method of modifying an appearance of a retroreflective material;" and (2) new claims 33-36 depend from independent claim 32 and, thus, claims 32-36 are directed to a "method of modifying an appearance of a retroreflective material" which is the same as Group II in the restriction requirement. Therefore, according to the Examiner, restriction of claims 19-36 would be appropriate for the same reasons set out in the present restriction requirement.

Instead of withdrawing the present restriction requirement and issuing a second restriction requirement directed to claims 19-31 (as Group I – reflective material) and claims 32-36 (as Group II – method of modifying an appearance of a retroreflective material), the Examiner suggested that to expedite the prosecution of the application, claims 19-31 should be considered as Group I in the present restriction requirement and claims 32-36 should be considered as Group II in the restriction requirement. Applicants agreed that this approach was the most efficient method for handling the restriction requirement issue. Therefore, Applicants file this Response with the understanding that Group I in the restriction requirement is directed to claims 19-31 and Group II in the restriction requirement is directed to claims 32-36.

### **C. Election and Response**

Applicants elect, with traverse, the claims of Group I to prosecute in this application.

Despite the foregoing election, Applicants traverse the restriction requirement on the grounds that EP 0225103 A does not disclose the special technical features of claim 32. EP

0225103 A relates to a retroreflective material and a method of making a retroreflective material. The retroreflective material is shown in Figure 5. The stage shown in Figure 1 is just a step along the way to making a retroreflective material (see page 5, lines 23 to 30). The stage shown in Figure 1 is not a "retroreflective material of the kind referred to," in particular, the layer (14) is made of paper (see page 5, lines 23) and so is opaque and so the metal coating layer (20) is in front of as opposed to behind the beads (in relation to the direction from which the stage shown in Figure 1 can be viewed, i.e., from above). Accordingly, the stage shown in Figure 1 is not a retroreflective coating of any type. Accordingly, EP 0225103 A does not disclose a retroreflective material in which the retroreflective coating bridges at least some of the gaps between the beads. As shown in Figures 3 and 4 of EP 0225103 A, none of the gaps between the beads (18) of the retroreflective materials described therein are bridged by the coating (20). In addition EP 0225103 A makes no disclosure in any way about producing areas of contrast in a retroreflective material. Accordingly, EP 0225103 A does not render unpatentable any of the claims of the present application.

Moreover, EP 0225103 A does not disclose any of the special technical features of claim 32. For example, EP 0225103 A is not directed to producing areas of contrast, such as the patterning, graphical and/or pictorial matter to which claim 32 refers. Also, EP 0225103 A does not disclose a material with a retroreflective coating which bridges the gaps between the beads and accordingly does not disclose a way of producing areas of contrast by treating or removing such a coating.

As pointed out above, independent claim 19 relates to a retroreflective material and independent claim 32 relates to a method of making such a retroreflective material. The inventive concept is the treatment or removal of the retroreflective coating which bridges at least

some of the gaps between the beads in order to produce areas of contrast. Both claim 19 and claim 32 refer to "retroreflective material of the kind referred to." This term is defined at page 1, paragraph 3 of the application, and such a material is shown in Figure 1c and, in particular, the coating or metallization process used to make a "retroreflective material of the kind referred to" results in the coating or metal (i.e., the retroreflective coating) covering not only the beads but also extending across the gaps between the beads. The materials of claims 19 to 31 are "materials of the kind referred to" in which the retroreflective coating is treated or removed in order to produce areas of contrast and the methods of claims 32-36 are methods applied to such "materials of the kind referred to" by treating or removing the coating so as to produce areas of contrast. Thus, all of the claims have the same inventive concept, or "special technical features," that define a contribution which each of the claimed inventions, considered as a whole, make over the prior art, e.g., EP 0225103 A. Accordingly, Applicants respectfully request that the restriction requirement be withdrawn.

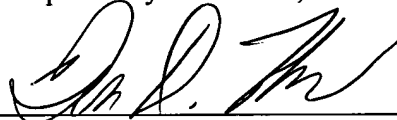
## CONCLUSION

In light of the foregoing remarks, Applicants respectfully request that the restriction requirement be withdrawn and that claims 19-36 be prosecuted in the present application. Alternatively, Applicants elect the claims of Group I (claims 19-31) to be prosecuted in this application.

In order to expedite the examination of this application, Applicants request the Examiner to contact the undersigned at (713) 221-3301 to discuss any matters that can be resolved by telephone.

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Respectfully submitted,



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